

**REMARKS**

Claims 1, 3, 5, 6, 8, 10, 11, 13, and 15-18 are pending in this application.

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,519,240 to Dillinger et al. (hereinafter "Dillinger") in view of U.S. Patent No. 5,933,421 to Alamouti et al. (hereinafter "Alamouti").

By the foregoing amendments, claims 1, 6, and 11 have been amended to further clarify the present invention and to further distinguish the present invention over the cited references. New dependent claims 16-18 have been added to further define the figure of merit recited in independent claims 1, 6, and 11.

Dillinger relates to a method for channel allocation in a TD/CDMA system. Time slots that are available for assignment are divided into three portions: (1) a first portion allocated to a first base station, (2) a second portion allocated to a second base station, and (3) a third portion that can be dynamically allocated (column 2, lines 5-7 and 27-36). When assigning time slots, the method first looks to the time slot portion allocated to the base station that a mobile station is communicating with. If no time slots are available in the allocated portion, then the base station looks to the third portion of time slots to see if a dynamically-assignable time slot is available (column 5, line 54 to column 6, line 21). Dillinger does not mention ordering the time slots other than chronologically, nor does

Dillinger disclose ordering physical channels based on desired reception quality, as is disclosed in independent claims 1, 6, and 11 of the present application.

Alamouti discloses a channel allocation algorithm that determines a channel candidacy assessment factor based on a direction of arrival of a signal from a remote station, a received signal strength indicator as measured at the remote station, and a signal to interference ratio as measured at the remote station (column 22, lines 43-63 and column 23, lines 10-26). Like Dillinger, Alamouti does not mention ordering the time slots, as is disclosed in independent claims 1, 6, and 11 of the present application.

Accordingly, combining the disclosures of Dillinger and Alamouti would not lead one skilled in the art to the present invention as recited in independent claims 1, 6, and 11 of the present application.


It is respectfully submitted that the amendments and remarks made herein place pending claims 1, 3, 5, 6, 8, 10, 11, 13, and 15-18 in condition for allowance. Accordingly, entry of this amendment as well as reconsideration and allowance of pending claims 1, 3, 5, 6, 8, 10, 11, 13, and 15-18 are respectfully requested.

**Applicant:** Zeira et al.  
**Application No.:** 09/854,728

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

Zeira et al.

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